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EXAMINER

NANO, SARGON N

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/836,890
Filing Date: April 17, 2001
Appellant(s): PRINCE, GEORGE

George Prince
For Appellant

EXAMINER'S ANSWER

This is in response to order returning undocketed appeal to examiner from BPAI mailed on 10,30,2006, and the appeal brief filed March 27, 2006 appealing from the Office action mailed June 24, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Call et al. U. S. Patent No. 6,418,441

Al – Kazily et al. U.S. Patent No. 6,760,694

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 - 4, 6, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Call, U.S. Patent No. 6,418,441 (referred to hereafter as Call).

2. As to claim 1, Call teaches a system for providing digital messaging services received from multiple sources over a communications network, comprising:

a client system, including:

a display screen coupled to a communications link (see fig. 1, Call discloses a display screen coupled to a communication link); and

a workstation including a web browser, a user interface, a memory, and a processor, said workstation coupled to said communications link (see col. 29 lines 16 – 29 and figs. 1 and 8, Call discloses an interface between the shared server and the inventory control system.)

a hosting system, including:

a server coupled to a communications link (see fig. 1, Call discloses a display screen coupled to a communication link);

a workstation for:

accessing applications stored on said server (see col. 32 lines 6 – 39, call discloses the accessing of shared product information server and other function and service provided by a manufacture's website);

inputting and retrieving information stored within said hosting system, wherein said workstation is coupled to said communications link (see col. 30, line 66 – col.31 line 35 and fig.7. Call discloses inputting a bar code and retrieving a website); and

a data storage device for storing data utilized by said hosting system (see col. 9 lines 38 – 49, and fig. 7, Call discloses a server database to book information);

wherein said hosting system is accessible to said communications network (see fig. 1 and fig. 8, Call discloses a system displaying a web page);

wherein said client system and said hosting system are in communication with each other, and wherein further, said hosting system provides digital messaging services to said client system (see fig. 1 and fig. 8, Call discloses a system displaying a web page);

an input device for entering product information and initiating selection of display-ready content related to the product from said storage device for display on said display screen (see col.2 lines 3 – 29 call teaches a barcode scanning device at the check out counter);

said input device is a bar code and product includes a bar code said input device initiating selection of said display – ready content upon said bar code reader reading the bar code , said bar code reader and said display screen being located proximate to the product in a retail establishment (see col.2 lines 3 – 29 call teaches a barcode scanning device at the check out counter).

As to claim 2, Call teaches the system of claim 1, wherein said digital messaging services include data collection resources procured from said client system, and at least one of a local content provider, national advertiser, local advertiser corporate marketing group, and advertising agencies (see col. 10 lines 1 – 22, Call discloses product list and ordering information).

As to claim 3, Call teaches the system of claim 2, wherein local content from said local content providers include one of: news, trivia, weather, sports, and stock market updates (see col. 27 lines 45 – 51, Call discloses the stock information of the products).

As to claim 4, Call teaches the system of claim 1, wherein said client system is

at a retail establishment (see col. 63 – 67, Call discloses the retail establishment).

As to claim 6, Call teaches the system of claim 1, wherein said display screen is a monitor (see fig. 1, Call displays a monitor connected to a system).

As to claim 22, the system of claim 1 wherein:
said display information in a number of windows, said initiating selection of display-ready content related to the product from said storage device for display on said display screen altering the display of only one of the windows related to in-store products (see col. 29 line 61 – col. 30 line 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Call in view of Al-Kazily et al. U.S. Patent No. 6,760,694 (referred to here after as Al-Kazily). As to claim 7, Call teaches a system for providing digital messaging services received from multiple sources over a communications network, comprising:

a client system, including:

a display screen coupled to a communications link (see fig. 1, Call discloses a display screen coupled to a communication link); and

a workstation including a web browser, a user interface, a memory, and a processor, said workstation coupled to said communications link (see col. 29 lines 16 – 29 and figs. 1 and 8, Call discloses an interface between the shared server and the inventory control system.)

a hosting system, including:

a server coupled to a communications link; (see fig. 1 , Call discloses a display screen coupled to a communication link).

a workstation for:

accessing applications stored on said server (see col. 32 lines 6 – 39, call discloses the accessing of shared product information server and other function and service provided by a manufacture's website);

inputting and retrieving information stored within said hosting system, wherein said workstation is coupled to said communications link (see col. 30, line 66 – col.31 line 35 and fig.7. Call discloses inputting a bar code and retrieving a website); and

a data storage device for storing data utilized by said hosting system (see col. 9 lines 38 – 49, and fig. 7, Call discloses a server database to book information);

wherein said hosting system is accessible to said communications network (see fig. 1 and fig. 8, Call discloses a system displaying a web page);

wherein said client system and said hosting system are in communication with each other, and wherein further, said hosting system provides digital messaging

services to said client system (see fig. 1 and fig. 8, Call discloses a system displaying a web page);

Call does not explicitly teach the system of claim 5, wherein said display screen is a kiosk, However, Al-Kazily teaches a computer is an interactive kiosk. It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to include a kiosk because doing so would provide more secure connection.

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

As per appellant's arguments filed on 27 March 2006, the appellant argues that Call does not teach:

bar code reader and said display screen being located to the product in a retail establishment (see Brief page 5 lines 5 – 7 Argument A).

In reply to A) Call teaches creating in a computerized inventory control system using a hand held bar code reader in a retail establishment and verifying product description (see col. 12 lines 43 – 56) moreover, Call discloses products information that are scanned are made available at terminal in retail stores and kiosks (see col. 15 lines 13 – 15) also Call discloses an automated checkout terminal using a barcode reader at a conventional point of sales, a sales person scan the products and the product information is displayed on a screen (see col. 30 line 66 – col. 31 line 15 and fig. 7 item

number 505). Therefore Call discloses a 'bar code reader and said display screen being located to the product in a retail establishment" as mentioned in independent claim 1.

The appellant argues that Call does not teach that one of the number of windows of a display screen is altered when a user scans the UPC of a product (see Brief page 5 lines 13 – 16 Argument B).

In reply to B) Calls teaches that an automated checkout terminal using a barcode reader at a conventional point of sales, a sales person scan the products and the product information is displayed on a screen (see col. 30 line 66 – col. 31 line 15 and fig. 7 item number 505) since the language of the claim says a number of windows of a display screen is altered , examiner interprets that the "number of altered windows" is one, that is one window of the automated check out counter at the conventional point of sales therefore Calls teaches the limitation of the claimed language.

The appellant argues that there is no motivation to combine the teaching of Al Kazily reference (U.S. Patent No. 6,760,694 with the teaching of Call (U.S. Patent No. 6,418,441). and that is the display screen is a kiosk. (see Brief page 6 lines 2 – 4 argument C) .

In reply to C) that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

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teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case evidence or suggestion for using a kiosk in Call such as the kiosk taught by Al-Kazily may be found in Quinlan et al. U.S. Patent No. 6,748,365 wherein the advantage of using an in store kiosk is to provide a more secure connection (see Quinlan lines col. 12 line 19 – 30).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Sargon Nano

June 7, 2006

Conferees:

Ario Etienne

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157

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